

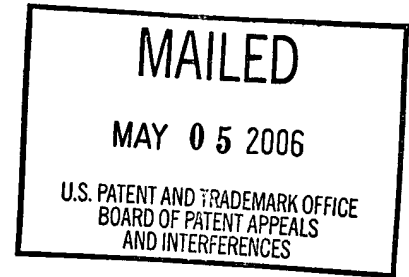
The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte DAVID C. DRYER and LESLIE R. WILSON

Application No. 08/767,928



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on March 10, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

**NOTICE OF APPEAL**

Appellant filed a Notice of Appeal on August 8, 2000. The Notice of Appeal is missing from the electronic (IFW) file. On consideration of the record, we note that the appeal includes rejections under 35 U.S.C. § 101 involving the statutory nature of computer-related claims. We further note that the evaluation of such claims could possibly be affected by the Commissioner of Patent and Trademarks' published final version of the "Interim Guidelines for Examination of Patent Application for Patent Subject Matter Eligibility", Signed October 26, 2005. This

Application No. 08/767,928

document is located at the following URL:

[http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101\\_20051026.pdf](http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf).

### **EXAMINER'S ANSWER**

#### **Appeals Conference**

An Examiner's Answer was mailed June 12, 2001. A review of the Examiner's Answer pertaining to the required appeals conference reveals that it is not in compliance with the Manual of Patent Examining Procedure (MPEP) § 1208.

According to MPEP § 1208:

The participants of the appeal conference should include (1) the examiner charged with preparation of the examiner's answer, (2) a supervisory patent examiner (SPE), and (3) another examiner, known as a conferee, having sufficient experience to be of assistance in the consideration of the merits of the issues on appeal.

On the examiner's answer, below the primary examiner's signature, the word "Conferees:" should be included, followed by the type or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held.

The Examiner's Answer was not signed or initialed by all of the appeals conference participants. Appropriate correction is required as required under MPEP § 1208.

Accordingly, it is

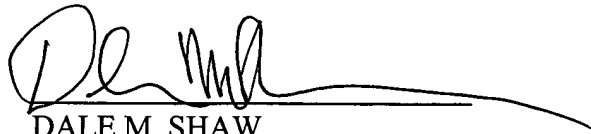
**ORDERED** that the application is returned to the examiner for:

- 1) obtain a copy of the Notice of Appeal and have scanned into the IFW file;
- 2) vacate the Examiner's Answer mailed June 12, 2001;

Application No. 08/767,928

- 3) to obtain the conferee's initial or signature on the Examiner's Answer; and
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

A handwritten signature in black ink, appearing to read 'D. M. Shaw', with a long horizontal flourish extending to the right.

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Application No. 08/767,928

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